

Docket No.: R-247.00CIP

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Laemmle et al

Application No.: 09/833,328

Filing Date: April 12, 2001

For:

COMPOSITION EXHIBITING A VON WILLEBRAND

FACTOR (vWF) PROTEASE ACTIVITY COMPRISING A POLYPEPTIDE CHAIN WITH THE AMINO ACID

SEQUENCE AAGGILHLELLV

RECEIVED

MAR 0 7 2002

FICE OF PETITION

Group Art Unit: 1646

Examiner: Unknown

Assistant Commissioner of Patents Washington, D.C. 20231

PETITION UNDER 37 CFR § 1.47

Dear Sir:

After diligent effort, Applicants have failed to obtain a signed declaration from one joint inventor, Ms. Luigina Tagliavacca, in the above-identified patent application. In view of the following, the remaining Applicants hereby request that this application be accepted for filing without Ms. Tagliavacca's declaration.

At the time the present application was filed, Ms. Tagliavacca resided in Austria, as did all but three of the remaining inventors (the remaining three resided in Switzerland). In October, 2001, the patent administrator acting on behalf of the Applicants, Ursula Wolf, sent declarations and other formal documents to be signed to all of the inventors of the present application at their last known addresses, and in due course received signed declarations back from all the inventors except for Ms. Tagliavacca. In November, Ms. Wolf learned that Ms. Tagliavacca had moved, and by the first week of December, 2001 Ms. Wolf determined that Ms. Tagliavacca now resided in Italy.

Upon determining Ms. Tagliavacca's new address, copies of the declaration and other formal documents were forwarded to her in Italy on December 7, 2001 via UPS (a copy of the tracking bill is submitted herewith as Exhibit A). UPS reported that the declaration was delivered December 11, 2001 (a printout of the tracking detail of this UPS package is submitted herewith as Exhibit B). When no reply FILEY 00000043 021437 09833328 was received from Ms. Tagliavacca, an e-mail message was sent to her on December 17, 2001 asking her

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to sign and return the formal documents, including sending a copy to Ms. Wolf via facsimile (a copy of this e-mail is submitted herewith as Exhibit C).

Ms. Tagliavacca replied by e-mail on December 18, 2001 and stated that she had sent the signed documents to Ms Wolf on December 17 (a copy of this e-mail message is submitted herewith as Exhibit D). However, these documents have not yet been received, either via facsimile, mail, or courier.

Due to the fact that Ms. Tagliavacca moved from Austria to Italy unbeknownst to the remaining Applicants, she could not be reached in time to sign the declaration for the above-identified application. Alternatively, although Applicants do not believe that Ms. Tagliavacca refuses to sign the declaration (based on her e-mail message), due to the fact that her signed declaration has not yet been received, refusal to sign a declaration remains a ground for the present Petition under 37 CFR § 1.47. The remaining Applicants therefore hereby request that the above-identified patent application be accepted for filing without a signed declaration from Ms. Luigina Tagliavacca. If the remaining Applicants receive Ms. Tagliavacca's signed declaration, we shall submit it promptly.

If there are any questions regarding the foregoing, please feel free to contact the undersigned at the telephone number listed below. Please also charge any fees which are due in connection with this Petition under 37 CFR § 1.47 to Account No. 02-1437. Thank you.

Respectfully submitted,

Michael F. Fedrick

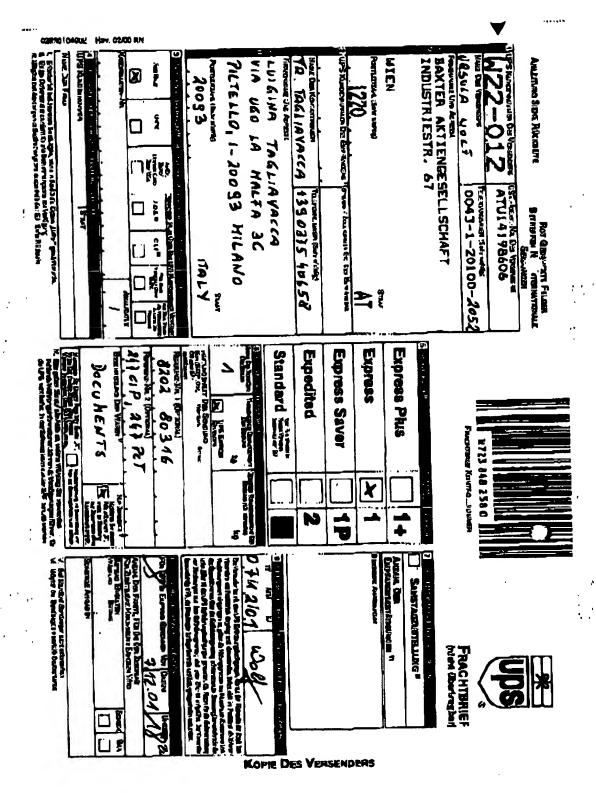
Registration No. 36,799

Baxter Healthcare Corporation

Post Office Box 15210

Irvine, California 92623-5210

Telephone: (818) 550-4569 Facsimile: (818) 550-4567



Exhibit

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PARTIES 1 : 16:29 : BAXTER AG FAT WIEN

Dec 21 2001 11:04 P.04 6330:#21/22

Fax:8185504567

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Tracking Detail

Status: Delivered

Delivered on: Dec 11, 2001 13:21 A.M.

Signed by: TENCA

LOCATION: RESIDENTIAL

Delivered to: PIOLTELLO, IT

Shipped or Billed on: Dec 7, 2001

Tracking Number: W723 8482 580

Service Type: FXPRESS
Weight: 50 Kg

PACKAGE PROGRESS

Dutc	'fime	Location	Activity
Dec 13, 2001	11:21 A.M.	MILAN CENTRE, IT	DELIVERY
	11: 21 A.M .	MILAN CENTRE, IT	UPSTATERAAL ACTIVITY CODE:01'S INTERAAL ACTIVITY CODE
	8:09 A.M.	MILAN CENTRE, IT	DRIVER LOAD
Dec 10, 2001	8:31 P.M.	MILAN HUB, IT	ORIGIN SCAN
	6:54 P.M.	MILAN CENTRE, I'I	ups internal activity code
	12:26 P.M.	milan chnuke, i'i	receiver not in on ist dülivery attempt
	9:49 A,M.	MILAN CENTRE, IN	DRIVER LOAD
Dec 8, 2001	12:50 A.M.	COLOGNE-AIRPORT, DE	TUB SCAN
Dec 7, 2001	9:5¥ II.M.	A T	uilling information received
	9:05 P.M.	YIENNA CENTER, AT	ORIGIN SCAN
	7:43 P.M.	VIENNA IR/B, AT	HUD SCAN

Tracking results provided by UPS: Dec 21, 2001 8:40 A.M. Bastern Time (USA)

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BUXIER HYLAND IMMUNO FAX:8185504567



Ursula Wolf

An: luiginat netscape.net

17.12.2001 15:14

Kopie: Thema: DOCUMENTS

US patent application No. 09/833328
PCT valent application No. PCT/EP01/13391

Title: "Composition exhibiting a von Willebrand factor (vWF) protease activity comprising a polypeptide chain with the amino acid

sequence AAGGILHLELLV

Case No. 247.00

Dear Mrs. Tagliavacca.

We have sent you copies of the above-referenced patent applications and the declaration and power of attorney and assignment to Baxter Aktiengesellschaft. We have now been informed from our US colleague that the deadline for filing the documents is December 22, 2001. Therefore we ask you to sign the documents and fax us the signed copies and then send the originals.

Our FAX No.: +43 1 20100 506

For further questions or concerns don't hesitate to contact us. Thank you for your help.

With best regards

Ursula Wolf

BAXTER AKTIENGESELLSCHAFT

Patentadministration Industriestrasse 67 A-1221 Vienna, AUSTRIA

Tel.: +43 1 20100-2052 // Fax: +43 1 20100-506

E-Mail: ursula_wolf@baxter.com

Exhibit C





Regards Luigina

luiginat@netscape.ne t (luigina lagliavacca) 18,12,2001 09:08 An: ursula_woll@baxler.com

Kopie: Therna: RE:

ursula_wolf@baxuer.com wrote:

>US patent application No. 09/833328 >PCT patent application No. PCT/BP01/13391 ATICLO, "Composition exhibiting a von Willebrand factor (VWF) protesse pactivity comprising a polypoptide chain with the amino acid Bequence AAGGILMLELLV# >Casc No. 347.00 >Dear Mrs. Tagliavacca, bwe have sent you copies of the above-referenced patent applications and >declaration and power of accorney and assignment to Baxter >Aktiengewellschaft. We have now been informed from our US colleague that sche deadline for tiling the documents is >December 22, 2001. Therefore we ask you to sign the detuments and fax un >the signed copies and then send the originals. >Our PAX No.: 443 1 20100 506 >For further questions or concerns don't hesitate to contact us. Thank you >for your help. >With best regards >UTEULA WOLF AKTIENGESELLSCHAFT >B A X T E R >Patentadministration >Industriestrasse 67 >A-1221 Vienna, AUSTRIA >Tel.: +43 1 20100-2052 // Pax: +43 1 20100-506 >B-Mail: urbula_volt@baxter.com >Last sunday I came back from US and found your mail. Yesterday I proptly send you back all the signed documents , you should get it by tomorrow

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Exhibit D